

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>VICTORIA INFANTE,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 16 C 6926
	)	
<b>PORTFOLIO RECOVERY</b>	)	
<b>ASSOCIATES, LLC,</b>	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This Court has just received delivery of a courtesy copy of the July 1, 2016 Complaint brought by Victoria Infante ("Infante") against Portfolio Recovery Associates, LLC ("Portfolio"), in which Infante charges Portfolio with an asserted violation of a provision of the Fair Debt Collection Practices Act (the "Act").<sup>1</sup> Because a review of the Complaint poses a serious question as to its viability, this memorandum order is issued sua sponte to address that subject. For a full understanding of the potential problem posed by the Complaint and to make this memorandum order self-contained in that respect, copies of two of the Complaint's exhibits -- Ex. C, a copy of a short June 23, 2015 letter from Infante to Portfolio, and Ex. D, a copy of Portfolio's July 2, 2015 response -- are attached.

As for Infante's letter, it is clearly a response to a debt collection effort by Portfolio (this Court of course credits Infante's self-characterization as a "consumer" under the Act and the

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<sup>1</sup> Citations to the Act will take the form "Section --," omitting the prefatory "15 U.S.C." portion of a full statutory citation.

Complaint's characterization of Portfolio as a "debt collector" under the Act. But it is equally plain that Portfolio's responsive communication was solely in response to one of the matters that Infante's letter asserted.

In that respect Complaint ¶ 14 refers accurately to Infante having "disputed the alleged debt" -- but having done so, her counsel ascribes no significance to what Complaint ¶ 17 accurately reports as the further content of Infante's communication:

Plaintiff's letter also stated in part that the amount PRA [the Complaint's acronym reference to Portfolio] was reporting was not accurate.

Note then the nature and content of Portfolio's response. It is devoted entirely to an inquiry as to just what was the nature of Infante's dispute as to the accuracy of Portfolio's earlier communication regarding the account that it had purchased from Synchrony Bank (the entity with which Infante had dealt directly). And there is frankly no way in which that inquiry could be considered by anyone -- even the "unsophisticated consumer" referred to in the caselaw -- as an effort to collect the debt. Just look at the three parts of the Portfolio response that confirm what has just been said (as shown here, the last quoted portion is entirely in boldface and the word "NOT" is entirely in capital letters):

If you wish to dispute this account, please send written documentation describing the nature of your dispute and any information or materials that may be helpful to our investigation so this dispute may be investigated in a timely manner.

\* \* \*

Please note that if we receive no information or documentation describing the details of your dispute by July 22, 2015, we may then terminate the investigation related to this account due to lack of clarification of the nature of the dispute.

**This is a communication from a debt collector. This communication is made for the limited purpose of responding to your dispute and NOT an attempt to collect at debt.**

This Court has reviewed Section 1692c(c), sought to be invoked by Infante, and it appears that the Complaint is a real stretch of its provisions. In addition to Portfolio's emphatic and unequivocal statement that it was NOT attempting to collect the claimed debt, it had stated earlier in its letter that the absence of any responsive communication by Infante could result in Portfolio's termination of its investigation -- something that looked to the potential for a communication that would fit directly within Section 1692c(c)(1).

This should not be misunderstood as an order dismissing the Complaint or this action. But although this Court is contemporaneously issuing its customary initial scheduling order, it expects Infante's counsel to be prepared at that time to address the concern voiced here.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is fluid and cursive, with the first name "Milton" being more prominent than the last name "Shadur".

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Milton I. Shadur  
Senior United States District Judge

Date: July 7, 2016

June 23, 2015

Portfolio Recovery Associates  
120 Corporate Blvd.  
Norfolk, VA 23502

**Re: Account # [REDACTED] (SYNCHRONY BANK)**

Dear Sir or Madam:

I am writing to you regarding the account referenced above. I refuse to pay this debt because my monthly expenses and income do not allow for payment, and the amount you are reporting is not accurate either.

Thank you,

Victoria Infante

EX. C

July 2, 2015

Portfolio Recovery Associates, LLC  
We're giving debt collection a good name.

Dear VICTORIA INFANTE:

Re: Verification Information Concerning Portfolio Recovery Associates, LLC ("PRA, LLC")  
 Account/Reference No.: [REDACTED]  
 SELLER: SYNCHRONY BANK  
 ORIGINAL CREDITOR: SYNCHRONY BANK

The following information is being provided in response to your recent communication concerning the account referenced above. Account Number 6019180393628298 and its proceeds were sold, assigned and transferred by the Seller to PRA, LLC on 08/19/2014. At the time of the sale, the Seller provided an electronic file of its business records concerning this account. According to the Seller's records, there was due and payable from VICTORIA INFANTE to the Seller in the sum of \$2,474.48 with respect to the account, as of 08/19/2014, there being no known un-credited payments, counterclaims, or offsets against this account at the date of its sale.

Here is a summary of additional information listed in the electronic file for this account:

Account holder's Name Provided By Seller:	VICTORIA INFANTE
Account holder's Last 4 Digits of SSN:	8231
Date Account Opened Provided by Seller:	06/08/2007
Balance at date of PRA, LLC purchase:	\$2,474.48
Interest accrued since the date of purchase or last payment to PRA, LLC:	\$0.00
Costs and Other Fees:	\$0.00
Total Balance:	\$2,474.48

Please contact us if you would like to receive a payment history of payments that have posted to this account since our company purchased this account.

**Contact us toll-free at 1-800-772-1413 to discuss this account.**

**Hours of Operation (EST): 8 AM to 11 PM Mon.-Fri., 8 AM to 5 PM Sat., 2 PM to 9 PM Sun.**

If you wish to dispute this account, please send written documentation describing the nature of your dispute and any information or materials that may be helpful to our investigation so this dispute may be investigated in a timely manner. Please send all documentation related to disputes to the following address: PRA, LLC Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502.

If you wish to provide additional information regarding this account, please send written documentation.

Please note that if we receive no information or documentation describing the details of your dispute by July 22, 2015, we may then terminate the investigation related to this account due to lack of clarification of the nature of the dispute.

**This is a communication from a debt collector. This communication is made for the limited purpose of responding to your dispute and is NOT an attempt to collect at debt.**

Notice: See Reverse Side for Important Information

\*\*\*Please send this coupon with all correspondence.\*\*\*

DEPT 922 8682040615074  
 PO BOX 4115  
 CONCORD CA 94524



ADDRESS SERVICE REQUESTED

#BWNFTZF #9228682040615074#



VICTORIA INFANTE  
 [REDACTED] WELLS ST APT 5  
 CHICAGO IL 60610-2532



D4  
 PORTFOLIO RECOVERY ASSOCIATES LLC  
 PRA DISPUTES DEPARTMENT  
 140 CORPORATE BOULEVARD  
 NORFOLK VA 23502

EX. D

**COMPANY ADDRESS:** Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES CORRESPONDENCE ADDRESS:** Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Boulevard, Norfolk, VA 23502

**DISPUTES DEPARTMENT E-MAIL ADDRESS:** PRA\_Disputes@portfoliorecovery.com

**QUALITY SERVICE SPECIALISTS AVAILABLE Mon. - Fri. 8 AM to 5 PM (EST)**

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (866) 925-7109 or by e-mail at [qualityservice@portfoliorecovery.com](mailto:qualityservice@portfoliorecovery.com).

**PRIVACY NOTICE:** We collect certain personal information about you from the following sources: (a) information we received from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**NOTICE:** We are required under state law to notify consumers of the following rights. This list does not include a complete list of rights consumers have under state and federal laws:

**COLORADO:** Office located at 4600 South Syracuse Street, Suite 938, Denver, CO 80237. Telephone 1-866-508-4751.

**MAINE:** Telephone number at licensed location is (800) 772-1413. Hours of operation at licensed location are 8 AM to 11 PM Mon.-Fri., 8 AM to 5 PM Sat., 2 PM to 9 PM Sun. (EST).

**MASSACHUSETTS:** Office located 49 Winter St., Weymouth, MA 02188. Telephone (800) 772-1413. Hours of operation are 9 AM to 6 PM EST Monday through Thursday. **NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.**

**NEW YORK CITY:** City of New York License Numbers 1096994, 1394695, 1394697, 1394696, 1394698, 1394700, 1394699, 1394694.

**NORTH CAROLINA:** Collection Agency Permit No. 4132.

**TENNESSEE:** This collection agency is licensed by the Tennessee Collection Service Board of the Department of Commerce and Insurance. (#00000770).